
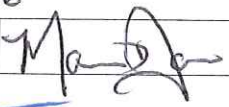
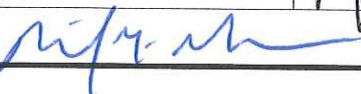
 <b>NORFOLK</b> Department of Police	<b>Administrative General Order - 445: Legal Process</b>		
	Office of Preparation: Office of Support Services (mar)		
	<b>CALEA:</b>	74.1.1, 74.1.2, 74.1.3, 74.2.1, 74.3.1, 74.3.2	
	<b>VLEPSC:</b>	ADM.02.02, OPR.12.02, OPR.12.05	
LEGAL REVIEW DATE:	6/30/2016	PRESCRIBED DATE:	7/15/16
City Attorney:		City Manager/Director of Public Safety:	
APPROVED BY THE AUTHORITY OF THE CHIEF OF POLICE:			

## Purpose

This order provides procedures for the processing, tracking, and executing or serving of legal documents.

## Policy


It is the policy of the Norfolk Department of Police to process legal documents in an efficient and methodical manner to ensure the accuracy of databases and to provide timely service. Law enforcement officers shall take the necessary precautions to ensure that the person detained is the individual named on the legal document, verify legal documents before taking the individual into custody, and properly serve or execute legal documents.

## Supersedes:

1. Memo 14-009, dated January 21, 2014
2. G.O. ADM-445, dated May 14, 2009
3. Any previously issued directive conflicting with this order

## Order Contents:

- I. Receiving Legal Documents
- II. Serving/Executing Legal Documents
- III. Unserved Legal Documents
- IV. Norfolk Legal Documents Executed By Other Jurisdictions
- V. Executing Legal Documents Issued by Other Virginia Jurisdictions
- VI. Transporting Prisoners
- VII. Return Procedures

 <b>NORFOLK</b> <i>Department of Police</i>	<b>Administrative General Order - 445: Legal Process</b>		
	Office of Preparation: Office of Support Services (mar)		
	<b>CALEA:</b>	74.1.1, 74.1.2, 74.1.3, 74.2.1, 74.3.1, 74.3.2	
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I. Receiving Legal Documents (74.1.1, 74.1.3) (VLEPSC OPR.12.02, 12.05)

A. The Central Records Division, Warrant Section, has the sole responsibility for processing legal documents (i.e., arrest warrants, criminal summonses, indictments, capiases, protection orders, probation violations, and juvenile detention and custody orders) received for service/execution, except for:

1. Subpoenas

- a. The Norfolk Sheriff's Office is responsible for serving state subpoenas. However, investigators are authorized to serve subpoenas issued by a Commonwealth Attorney. These subpoenas are given directly to the investigator for service and are to be returned to the Commonwealth's Attorney's Office.
- b. Investigators are authorized to assist federal agencies with the service of subpoenas issued as a result of a joint criminal investigation. Investigators shall receive their supervisor's approval before receiving any federal subpoenas for servicing. Subpoenas will be served in accordance with federal guidelines.
- c. The Public Information Office processes subpoenas duces tecums. These subpoenas are logged and forwarded to the Norfolk City Attorney's Office for servicing, with a copy sent to the Central Records Division.

2. Temporary Detention Orders (TDO) and Emergency Custody Orders (ECO)

- a. Members of the Community Service Board (CSB) may bring TDOs and ECOs to the Police Operations Center, Central Desk, for service within the City of Norfolk. This occurs when the subject of the TDO or ECO is not in police custody.
  - (1) Desk personnel will enter the order into the TDO/ECO Logbook and call the Emergency Communication Center (ECC) to have an officer placed on a message. The logbook will capture the date and time the order was received, the individual's name, the telecommunicator (dispatcher) notified, service pickup date and time, and assigned officer.
  - (2) If the individual has already been placed in the holding facility, the assigned officer will pick up the TDO or ECO from the Central Desk and serve the order at the facility.
  - (3) If the individual is not at a holding facility, the officer will pick up the TDO or ECO from the Central Desk, attempt to locate the individual at his/her residence, transport the found individual to the named facility, and serve the order. If the individual cannot be located, the assigned officer will return the TDO or ECO to the Warrant Section before the end of their tour of duty.



- b. Officers seeking medical treatment for individuals who may be suffering from mental illness will refer to G.O. OPR-740: Mentally Ill Persons, for procedures.
- B. Law enforcement officers shall ensure that the Warrant Section has processed legal documents immediately upon coming in possession, unless:
  - 1. The subject is already in custody.
  - 2. Exigent circumstances require immediate service/execution of the document, such as an undercover operation. Officers shall receive prior approval from their immediate supervisor and shall be responsible for the delivery of all unexecuted legal documents to the Warrant Section for processing before the end of their tour of duty.
- C. Warrant Section personnel shall process legal documents by:
  - 1. Stamping the date and time the legal document was received on the legal document.
  - 2. Recording incoming legal documents in the Warrant Section's appropriate records management system as required by the Warrant Section's Standard Operating Procedures (SOP) for tracking.
  - 3. Entering the following legal documents into the National Crime Information Center/Virginia Criminal Information Network (NCIC/VCIN), as regulated by VCIN Manuals. Note the assigned tracking number on legal documents entered into NCIC/VCIN.
    - a. Protection orders shall be entered into NCIC/VCIN upon receipt.
    - b. Enter felony warrants into NCIC/VCIN within 72 hours, if entry criteria are met.
      - (1) The Commonwealth's Attorney has pre-authorized extradition from any U.S. jurisdiction in the following Norfolk cases:
        - (a) Murder
        - (b) Rape
        - (c) Robbery or carjacking with a firearm
        - (d) Burglary with a firearm
        - (e) Malicious wounding with a firearm
        - (f) Malicious wounding where the victim is in imminent danger of death
        - (g) Felony sexual assault of a child
        - (h) Non-parental abduction of a child

- (2) All other felony warrants shall be entered with a pending extradition determination, unless the Commonwealth's Attorney specifically authorizes extradition.
- (3) In all felony cases, the Warrant Section shall be responsible for:
  - (a) Completing a Commonwealth's Attorney's Extradition Authorization form, attaching a copy of the outstanding warrant, and forwarding the paperwork to the Commonwealth's Attorney for review.
  - (b) Modifying NCIC/VCIN extradition notation as necessary, upon receiving the Extradition Authorization form back from the Commonwealth's Attorney.
  - (c) Stamping "superseded" on all related paperwork that is no longer in effect due to change in the extradition status. All paperwork shall be retained with the original NCIC/VCIN entry form.
- c. Misdemeanor warrants do not have an entry time requirement; however, personnel will enter documents as soon as practical, if entry criteria are met.
- 4. Completing a Warrant Worksheet (Attachment A), which is provided for officers to record information relating to the service/execution of all legal documents.
- 5. Disseminating legal documents to the proper command or agency for timely and efficient service/execution.
  - a. Summonses, permitted warrants, and protection orders with addresses located within the City of Norfolk are disseminated to the appropriate command for service/execution.
  - b. All other legal documents with addresses located within the City of Norfolk are maintained in the Warrant Section. A Warrant Worksheet is printed and disseminated to the appropriate command for attempting service/execution. The detaining officer shall verify that the legal document is still outstanding by contacting the Warrant Section before taking any further action.
  - c. Legal documents with addresses located outside the City of Norfolk are maintained in the Warrant Section and faxed to the appropriate jurisdiction for service/execution, ***when the subject is in custody.***
  - d. Protection orders with addresses outside the City of Norfolk are faxed to the appropriate jurisdiction to attempt service.

6. Recalling legal documents from the HOR upon receiving a DC-323, Recall of Process Form, from the courts.
- D. Officers receiving processed legal documents shall:
1. Record all legal documents received from the Warrant Section in their command's legal process logbook.
    - a. Commands that handle legal documents shall maintain separate command legal process logbooks for arrest and non-arrest documents.
    - b. Command legal process logbooks shall contain the following information:
      - (1) Warrant number
      - (2) Defendant's name
      - (3) Date and time document received
      - (4) Notation of type of process (civil or criminal)
      - (5) Name and identification number of personnel taking the document from the logbook
      - (6) Disposition of document:
        - (a) Physical arrest
        - (b) Executed as summons
        - (c) Name of agency document turned over to
      - (7) Date document was served/executed/turned over
      - (8) Court docket number
      - (9) Name and identification number of person accepting document
      - (10) Name and identification number of person delivering the document
      - (11) Date service is due
  2. Legal documents transferred between commands must be brought to the Warrant Section in order to change the Holder of Record (HOR).
  3. Make the legal documents accessible at all times. Officers in possession of unserved legal documents who are required to attend court, or are otherwise indisposed, shall turn over documents to an available officer within the same command. In cases of unavailability or time restraints, legal documents shall be checked in at the Warrant Section.

II. Serving/Executing Legal Documents 74.1.2, 74.1.3, 74.3.1, 74.3.2 (VLEPSC ADM.02.02)

- A. Once processed, legal documents shall not be marked by any department personnel, other than for the service/execution thereof, unless authorized by the court.
- B. Only sworn law enforcement officers can execute legal documents.
- C. Before serving/executing legal documents, officers shall consider all facts, circumstances, and conditions relating to the specific legal document and impacting the successful process or service/execution of the document. Such facts, circumstances, and conditions may include but not be limited to the following:
  - 1. The type of document and the seriousness of the crime.
  - 2. Knowledge that the person may be armed and/or is considered dangerous.
  - 3. Threat to the public safety or knowledge that delays in service/execution may increase the likelihood of violence.
  - 4. Potential for person to evade or escape by fleeing or resisting.
  - 5. Risks to officers' safety and tactical operations.
  - 6. Location of service/execution and potential hazards in the immediate area.
- D. The ultimate responsibility for prioritizing the service/execution of legal documents shall be with the officer in possession of such documents. Legal documents that have a time limit shall take priority over any other document that is not concerned with the general safety of the public or a police officer. For example, the executing or servicing of legal documents shall be as follows, in descending order of importance, unless circumstances dictate otherwise.
  - 1. Detention and Protection Orders
    - a. Temporary Detention Orders (TDOs)
    - b. Emergency service of Detention Orders and Summonses
    - c. Protection Orders (Emergency Protection Orders, Preliminary Protection Orders, and Orders of Protection)
  - 2. Felony Warrants and Indictments
  - 3. Misdemeanor Arrest Warrants
  - 4. Misdemeanor Summonses

Officers will refer to G.O. OPR-452: Family Violence, for procedures to obtain and enforce protection orders.
- E. Prior to executing or serving a legal document, the officer shall ensure that the person to be served is the person named in the document by verifying any or all of the following descriptors:
  - 1. The person's name

2. Sex and race
  3. Date of birth
  4. Social Security Number
  5. Address(es), current and past
  6. Physical description, e.g., scars, marks, tattoos, etc.
  7. Any other information that will assist in the identification of the person
- F. The executing or serving officer shall:
1. Attempt timely service/execution of legal documents with addresses located in the City of Norfolk. Officers should attempt to execute or serve legal documents at least once during their tour of duty, time permitting, and pass unserved legal documents to their succeeding relief.
  2. Record all service/execution attempts and information received on the Warrant Worksheet which shall remain attached to the legal document.
  3. Verify with the HOR to ensure that the legal document is in hand and has not been served.
    - a. For legal documents in possession of a command other than the Warrant Section, the executing officer shall obtain and execute the original legal document.
    - b. For legal documents in possession of the Warrant Section, the executing officer shall contact the Warrant Section to confirm the warrant and coordinate the delivery of the legal document.
      - (1) Warrant Section personnel shall inform the officer if the legal document is to be picked up or faxed. For example, the officer may have to go to the Warrant Section when executing a summons or detention order on a juvenile.
      - (2) Warrant Section personnel are responsible for ensuring that the Norfolk Sheriff's Office receives the legal documents. Sheriff's personnel are to attach the original legal document with the executed faxed copy before forwarding the paperwork to the appropriate court.
  4. Make inquiries on outstanding legal documents through the Warrant Section when computer systems are out of service.
  5. Determine if a PD 645, Law Enforcement Notice (Attachment B), should be used to leave a notice for an individual to contact the Norfolk Police Department in reference to serving/executing legal document(s).
  6. Complete all pertinent sections and/or note any necessary corrections on the Warrant Worksheet, e.g., race, sex, date of birth, Social Security number, etc.



7. Coordinate the service/execution of legal documents at schools through the School Resource Officer (SRO).
  8. Enter the required information on the legal document:
    - a. Executing or serving officer's name (signed and printed), employee number and command assignment
    - b. Name of person to whom document was served/executed
    - c. Date and time of service/execution
    - d. Method of service/execution or reason for nonservice
    - e. Address of executed or attempted service
    - f. Court date
  9. Ensure physically arrested individuals are brought before a magistrate without unnecessary delay.
  10. Perform the following when legal documents are executed as summonsable:
    - a. Complete the legal document and set the court date according to the procedures set in G.O. OPR-730: Court Appearances.
    - b. Give a copy of the legal document to the accused.
    - c. Immediately after the time of service/execution, bring the legal document to Warrant Section personnel in order to modify any necessary computer entries. Leave the Warrant Worksheet attached to the legal document.
- G. The issuing court shall be responsible for ensuring that complainant notifications are properly made as to time and place necessary for court appearances for all executed legal documents.

### III. Unserved Legal Documents

- A. The following unserved legal documents shall be returned to the Warrant Section with the duly noted Warrant Worksheet attached:
1. Legal documents containing erroneous information that cannot be served/executed shall be returned to the Warrant Section. The Warrant Worksheet shall remain attached to the legal document and noted appropriately.
  2. Legal documents, except protection orders, having three or more unsuccessful service/execution attempts noted on the attached Warrant Worksheet shall be returned to the Warrant Section for filing.
  3. Officers shall continually attempt service on Protection Orders until the expiration date is reached. Expired Protection Orders shall be forwarded to the Warrant Office and returned to the issuing court.

4. Magistrate Summonses are issued with a hearing date on the face of the summons. Officers shall return Magistrate Summonses if service is not made 5 days prior to the set court date.
  - a. The Warrant Section shall attach two copies of PD 873A, Notification of Hearing Date Change.
  - b. Magistrate Summonses without three or more service attempts or erroneous information noted on the Warrant Worksheet shall be returned to the appropriate command for attempted service.
  - c. The serving officer will complete both forms and obtain required signatures when executing the summons. One copy will be given to the defendant, the other copy will be forwarded to the Warrant Section with the executed summons.
- B. The Warrant Section shall be responsible for modifying the appropriate computer system files.

#### IV. Norfolk Legal Documents Executed By Other Jurisdictions

- A. Norfolk police officers arresting persons in another jurisdiction on a Norfolk legal document shall take the person before the nearest magistrate in accordance with Virginia State Code, Section 19.2-76, Execution and return of warrant, capias, or summons; arrest outside county or city where charge is to be tried.
- B. All out-of-state arrests on a legal document issued by Norfolk shall be handled by the Detective Division Fugitive Officer.
- C. All Norfolk legal documents executed or served in a foreign country shall be handled through the U.S. Department of State and the Norfolk Commonwealth's Attorney's Office.
- D. Personnel shall refer to G.O. ADM-490: Out of City Travel, before traveling out of the City on official business.

#### V. Executing Legal Documents Issued By Other Virginia Jurisdictions (74.1.3)

- A. According to Virginia State Code, Section 19.2-76, Execution and return of warrant, capias, or summons; arrest outside county or city where charge is to be tried, Norfolk police officers may execute within the Norfolk city limits a warrant, capias, or summons issued within the state.
- B. A warrant or capias shall be executed by arresting the accused, endorsing the date of execution on the document, and returning to a magistrate. The arresting officer shall contact the Warrant Section to verify the warrant and shall either:
  1. Transport the accused to a magistrate located within Norfolk city limits and then release subject to a law enforcement officer working in Central Booking.
  2. Transport the accused to the city line of an adjacent locality where the charge is to be tried and release subject to a law enforcement officer from

the respective jurisdiction. Officers shall obtain permission from their immediate supervisor before traveling outside city limits.

3. Release the accused to the custody of a law enforcement officer from the jurisdiction where the charge is to be tried, only if the officer was present at the time of the arrest. It shall be the responsibility of the officer from the outside agency to bring the accused to a magistrate in the city where the charge is to be tried.

- C. A summons shall be executed by delivering a copy to the accused personally. Officers executing a summons shall endorse the date of execution and return the document to the Warrant Section.

#### VI. Transporting Prisoners

- A. Juveniles shall be transported to the appropriate facility when required to be taken into immediate custody.
  1. Officers shall transport the juvenile to the Intake Office during working hours. An intake officer shall determine where the child is to be placed. Officers shall provide transportation to the placement facility.
  2. Officers shall contact the on-call intake officer when juveniles are to be placed after working hours. Central Desk personnel may be used to make the necessary contacts. The intake officer shall relay instructions to the officer and notify the appropriate facility.
  3. Officers serving outstanding Juvenile Detention Orders on defendants who are now adults shall contact an intake officer for proper placement prior to transporting the subject.
- B. Personnel shall refer to G.O. OPR-720: Juveniles, and G.O. OPR-210: Transporting Prisoners, for additional procedures.

#### VII. Return Procedures

- A. Unserved legal documents, with the Warrant Worksheet attached, shall be kept in each command's legal process logbook until they are hand delivered to the Warrant Section. The command's legal process logbook shall note which legal documents were returned.
- B. Warrant Section personnel shall be responsible for:
  1. Ensuring that documents, which need to be returned to court, are delivered prior to the start of the day's docket. For example, juvenile legal documents are delivered to the Juvenile Pre-trial Unit by 0730 hours each day the court is open.
  2. Using an Arrest Document Fax Cover Sheet when facsimiles of legal documents are sent.
    - a. Attach the Arrest Document Fax Cover Sheet to the original document.
    - b. Make modifications in appropriate computer systems.

Definitions:

Holder of Record (HOR): The agency/command in possession of a particular legal document.

Legal Document: A court's written order that commands the named person to perform or refrain from some specified act as authorized by law. Legal documents become effective upon service or execution by a law enforcement officer. Legal documents that are handled by the Police Department include, but are not limited to, protection orders, indictments, warrants, magistrate summonses, petitions, shelter orders, detention orders, criminal capiases and subpoenas.

Related Documents:

1. G.O. ADM-125: Jurisdiction – City of Norfolk
2. G.O. ADM-420: Virginia Uniform Summons
3. G.O. ADM-475: Magistrate Video System
4. G.O. ADM-490: Out of City Travel
5. G.O. OPR-210: Transporting Prisoners
6. G.O. OPR-230: Prisoner Booking
7. G.O. OPR-428: Search Warrants
8. G.O. OPR-452: Family Violence
9. G.O. OPR-460: Foreign Nationals
10. G.O. OPR-720: Juveniles
11. G.O. OPR-730: Court Appearances
12. G.O. OPR-740: Mentally Ill Persons
13. Police Officer's Manual, Article Two, Section 26

Attachments:

- A. Warrant Worksheet
- B. PD 645, Law Enforcement Notice



**NORFOLK POLICE DEPARTMENT****Warrant Worksheet  
Service Attempts**

Warr #:

Name:

DOB:

SSN:

*First Attempt*

Successful	Date	Time	Officer	Person Served On
Yes No				
Where Served			Comments (include new address)	

*Second Attempt*

Successful	Date	Time	Officer	Person Served On
Yes No				
Where Served			Comments (include new address)	

*Third Attempt*

Successful	Date	Time	Officer	Person Served On
Yes No				
Where Served			Comments (include new address)	

*Fourth Attempt*

Successful	Date	Time	Officer	Person Served On
Yes No				
Where Served			Comments (include new address)	

*Fifth Attempt*

Successful	Date	Time	Officer	Person Served On
Yes No				
Where Served			Comments (include new address)	

**PD 645**

**NORFOLK POLICE DEPARTMENT  
LAW ENFORCEMENT NOTICE**



**IMPORTANT NOTICE TO:** \_\_\_\_\_

**IT IS NECESSARY THAT YOU NOW:**    ☐ **APPEAR IN PERSON**    ☐ **CALL**  
☐ **POLICE OPERATIONS CENTER**    3661 EAST VA BEACH BLVD 664-7000  
    ☐ **Contact** \_\_\_\_\_    ☐ **Phone** \_\_\_\_\_  
☐ **PUBLIC SAFETY BUILDING**    811 EAST CITY HALL AVE  
    ☐ **Warrant Office** 664-4160    ☐ **Contact** \_\_\_\_\_

**HAVE THIS CARD WITH YOU IN RESPONSE TO THE FOLLOWING:**

<input type="checkbox"/> Summons (Criminal/Traffic)	<input type="checkbox"/> Petition	<input type="checkbox"/> Protective Order
<input type="checkbox"/> Warrant (Norfolk)	<input type="checkbox"/> Capias	<input type="checkbox"/> Show Cause
<input type="checkbox"/> Warrant (Out of City)	<input type="checkbox"/> Subpoena	<input type="checkbox"/> Health/Building Summons
<input type="checkbox"/> Parking Summons	<input type="checkbox"/> Attachment	<input type="checkbox"/> Found/Recovered Property
<input type="checkbox"/> Investigation	<input type="checkbox"/> Complaint	<input type="checkbox"/> Other

**OFFICER:** \_\_\_\_\_

**CAR:** \_\_\_\_\_ **DIVISION:** \_\_\_\_\_

Rev. 06/16 OSS

Used by All Commands